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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

In re:

NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS LITIGATION

This Document Relates To:

United States v. Rabner, No. 07-1324;
United States v. Palermino, No. 07-1326;
United States v. Volz, No. 07-1396; and,
United States v. Adams, No. 07-1323.

MDL Dkt. No. 06-1791 - VRW

STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME FOR VERIZON DEFENDANTS TO RESPOND TO COMPLAINTS

[Civil L.R. 6-2, 7-1(5), 7-12]

Courtroom: 6, 17th Floor
Judge: Hon. Vaughn R. Walker

Dockets.Justia.com

RECITALS

A. On September 1, 2006, the Court granted the Administrative Motion of AT&T and Verizon Defendants to Vacate Pending Filing Deadlines in Cases Transferred by the Judicial Panel on Multidistrict Litigation. In that Order, the Court stated "[a]ll pending filing deadlines for cases transferred to this court pursuant to MDL 1791 are hereby vacated until further order of court." Dkt. 19.

B. On February 15, 2007, the Judicial Panel on Multidistrict Litigation ordered the transfer of *United States v. Palermino,* No. 07-1326; *United States v. Adams*, No. 07-1323; *United States v. Gaw*, No. 07-1242; *Clayton v. AT&T Communications of the Southwest, Inc.*, No. 07-1187; *United States v. Rabner*, No. 07-1324; and *United States v. Volz*, No. 07-1396 (the "Federal-State Cases") to this Court for inclusion in MDL 1791. Dkt. 173.

C. On July 24, 2007, the Court denied without prejudice the United States' motions for summary judgment and denied as moot the State Defendants' motions for summary judgment in the Federal-State Cases. The Court further ordered that "[a]fter the Ninth Circuit issues an order in Hepting, the parties may renotice their cross motions." Dkt. 334.

D. On August 20, 2007, the Court entered an Order providing that the AT&T and Cingular defendants in the Federal-State Cases need not respond to the complaints until further order of the Court. Dkt. 352**.**

E. Both judicial and party economy are served by similarly deferring the Verizon Defendants' obligation to respond to the complaints in *Palermino*, *Adams*, *Rabner*, and *Volz* until further order of the Court after the Ninth Circuit has provided further guidance and this Court has considered and resolved any renewal of the cross motions originally heard on June 21, 2007.

STIPULATION

The United States and the Verizon Defendants hereby stipulate that the Verizon Defendants need not answer or otherwise respond to the complaints in *Palermino*, *Adams*, *Rabner*, and *Volz* until a time determined by further order of this Court

Respectfully submitted,

Dated: August 23, 2007

WILMER CUTLER PICKERING HALE AND DORR LLP

MUNGER, TOLLES & OLSON LLP

Randal S. Milch

By: /s/ John A. Rogovin

John A. Rogovin

Attorneys for Defendant Verizon Communications Inc.

DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B

I, John A. Rogovin, hereby declare pursuant to General Order 45, § X.B, that I have obtained the concurrence in the filing of this document from the other signatory listed below.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on August 23, 2007, at Washington, D.C.

By /s/ John A. Rogovin

John A. Rogovin

Dated: August 23, 2007

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[PROPOSED] ORDER

Pursuant to the foregoing stipulation, and good cause appearing, IT IS HEREBY ORDERED that:

The Verizon Defendants need not answer or otherwise respond to the complaints in *United States v. Palermino*, No. 07-1326; *United States v. Adams*, No. 07-1323; *United States v. Rabner*, No. 07-1324; and *United States v. Volz,* No. 07-1396 until further order of the Court.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: ________, 2007.

____

Hon. Vaughn R. Walker
United States District Chief Judge